

REMARKS

Claims 1-2, 4-13, 15-26 and 29-52 are pending in this application. Claims 3, 14, 27 and 28 have been cancelled without prejudice or disclaimer. Claims 29-52 have been newly added. Claims 1, 2, 4 -7, 9-13, 15-18, 20, 21 and 26 have been amended.

Applicants, by cancelling or amending any claims herein, make no admission as to the validity of any rejection made by the Examiner against any of these claims. Applicants reserve the right to reassert any claim cancelled herein or the original claim scope of any claim amended herein, in a continuing application.

Applicants thank the Examiner for granting and conducting an Examiner interview on October 6, 2008 with the undersigned attorneys, Dr. Aaron Hofman, and Tamar Morag-Sela, Applicants Israeli representative. During the interview, Applicants pointed out that their claimed device prevents the backflow of blood and forces blood to flow in one direction, i.e., downstream.

All of pending claims 1-2, 4-13, and 15-26 describe at least one balloon having two or more portions or at least two balloons a protrusion, and that inflation of the upstream portion of the at least one balloon occurs prior to inflation of the downstream portion thereby preventing blood backflow.

Claim 1 has been amended to recite a "peri-arterial blood flow booster apparatus comprising: a pressure-applying device comprising a restrainer envelope having an upstream end and a downstream end, and an interior surface defining an interior; and at least one balloon disposed in the interior of the restrainer envelope for placing alongside a portion of a blood vessel, having two or more portions comprising an upstream portion

disposed in the interior of the upstream end of the restrainer envelope and a downstream portion disposed in the interior of the downstream end of the restrainer envelope downstream of the upstream portion, and a protrusion fixedly disposed on the interior surface of the restrainer envelope at the upstream end, and in communication with the upstream portion of the at least one balloon when the upstream portion is inflated; and a control console comprising an inflating unit for rapidly inflating and deflating the at least one balloon, the inflating unit being connected to the at least one balloon, sensing means for sensing electrocardiograph signals of a patient, and a control unit for controlling the inflating unit in correlation with the electrocardiograph signals detected by the sensing means; wherein the peri-arterial blood flow booster apparatus is configured sufficient such that upon actuation, inflation of the upstream portion of the at least one balloon occurs prior to inflation of the downstream portion thereby preventing blood backflow, and upon inflation of the downstream portion blood is forced to flow downstream. ” Support for amended claim 1 can be found throughout the specification and claims as originally filed. No new matter has been added.

Claims 2, 4-7, and 9-11 have been amended to correct minor errors and to place them in proper U.S. format. No new matter has been added.

Claim 12 has been amended to recite a “method for improving blood flow and pressure through an occluded blood vessel of a patient, comprising providing a pressure-applying device comprising a restrainer envelope having an upstream end and a downstream end, and an interior surface defining an interior; at least one balloon disposed in the interior of the restrainer envelope for placing alongside a portion of a blood vessel,

having two or more portions comprising an upstream portion disposed in the interior of the upstream end of the restrainer envelope and a downstream portion disposed in the interior of the downstream end of the restrainer envelope downstream of the upstream portion, and a protrusion fixedly disposed on the interior surface of the restrainer envelope at the upstream end, and in communication with the upstream portion of the at least one balloon when the upstream portion is inflated affixing the pressure-applying device to a portion of a peripheral blood vessel of the patient; providing a control console comprising an inflating unit for rapidly inflating and deflating the at least one balloon, the inflating unit being connected to the balloon, sensing means for sensing electrocardiograph signals of a patient, and a control unit for controlling the inflating unit in correlation with the electrocardiograph signals detected by the sensing means; sensing electrocardiograph signals of the patient; and inflating and deflating the at least one balloon at a predetermined rate, in correlation with the electrocardiograph signals, such that inflation of the upstream portion of the at least one balloon occurs prior to inflation of the downstream portion thereby preventing blood backflow, and inflation of the downstream portion forces blood to flow downstream. Support for amended claim 12 can be found throughout the specification and claims as originally filed. No new matter has been added.

Claims 13, 15-21 and 26 have been amended to correct minor errors and to place them in proper U.S. format. No new matter has been added.

Claims 29-52 have been newly added to further claim the presently described subject matter. Support for new claims 29-52 appears throughout the specification, drawings, and claims as originally filed. For example, embodiments including at least one

balloon having two portions or compartments that are either in fluid communication or are independently inflatable are described in the present specification, for example, at page 4, lines 23-26; page 8, lines 17-22; page 9, lines 5-15; page 13, lines 19-24; and page 14, lines 1-12; and embodiments including a protrusion are described at page 4, lines 13-18; the paragraph bridging pages 9 and 10; and embodiments including two or more balloons are described at page 14, lines 1-12. No new matter has been added.

In view of the remarks set forth below, further and favorable consideration is respectfully requested.

I. A page 2 of the Official Action, claim 26 has been rejected under 35 USC § 112, second paragraph, as indefinite.

The Examiner asserts that claim 26 is indefinite because the meaning of “and the balloon will secure the balloon in place” is unclear. In view of the following, this rejection is respectfully traversed.

Claim 26 has been amended to recite the “method of claim 22, further comprising providing a sheath covering the at least one balloon, the sheath being placed between the blood vessel and the at least one balloon.”

Accordingly, it is submitted that claim 26 is clear and definite within the meaning of 35 USC § 112, second paragraph. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. At page 2 of the Official Action, claims 1-11 have been rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

The Examiner asserts that claim 1 positively recites a blood vessel.

In view of the following, this rejection is respectfully traversed.

Claim 1 has been amended as discussed above and no longer positively recites a blood vessel.

In view of the foregoing, it is submitted that claims 1-2 and 4-11 are directed to statutory subject matter within the meaning of 35 USC §101. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

III. At page 3 of the Official Action, claims 1-2, 5-6, 8, 11-13, 16-17, 19, 22, and 25-26 have been rejected under 35 USC § 102, as being anticipated by Khaghani I (US Patent No. 6,984,201) or Khaghani II (WO 02/24254).

The Examiner asserts that Khaghani I and II teach each and every element recited in present claims 1-2, 5-6, 8, 9-13, 16-17, 19, 20-22, and 25-26.

In view of the following, this rejection is respectfully traversed.

Applicants respectfully submit that in view of the claim amendments submitted herewith this rejection has been obviated. In this regard, Applicants respectfully submit that none of the cited references teach every element of the present claims. Additionally, Applicants respectfully submit that newly added claims 29-52 are also novel and non-obvious over the cited references. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

- IV. At page 4 of the Official Action, claims 1-2, 8-13, 19-22 and 25 have been rejected under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Chiu (US Patent No. 5,429,584) alone or alternatively in view of Pacella et al. (6,045,496).**

The Examiner asserts that Chiu and Pacella teach or suggest each and every element recited in present claims 1-2, 8-13, 19-22 and 25.

In view of the following, this rejection is respectfully traversed.

Applicants respectfully submit that in view of the claim amendments submitted herewith this rejection has been obviated. In this regard, Applicants respectfully submit that none of the cited references, whether taken alone, or in combination, teach or suggest every element of the present claims. Additionally, Applicants respectfully submit that newly added claims 29-52 are also novel and non-obvious over the cited references. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

- V. At page 4 of the Official Action, claims 3-4 and 14-15 have been rejected under 35 USC § 103(a) as being unpatentable over Khagani I, Khagani II or Chiu (alone or further in view of Pacella), as applied above, and in further view of Hakim (US Patent No. 3,675,656)**

The Examiner asserts that Khagani I, Khagani II, Chiu and Pacella teach or suggest each and every element recited in present claims 3-4 and 14-15.

In view of the following, this rejection is respectfully traversed.

Applicants respectfully submit that in view of the claim amendments submitted herewith this rejection has been obviated. In this regard, Applicants respectfully submit that none of the cited references, whether taken alone, or in combination, teach or suggest every element of the present claims. Additionally, Applicants respectfully submit that newly added claims 29-52 are also novel and non-obvious over the cited references. Accordingly,

the Examiner is respectfully requested to withdraw this rejection.

VI. At page 5 of the Official Action, claims 7, 18, 23-24 and 25 have been rejected under 35 USC § 103(a) as being unpatentable over Chiu, alone, or alternatively, in combination with Pacella.

The Examiner asserts that Chiu and Pacella teach or suggest each and every element recited in present claims 7, 18, 23-24 and 25.

In view of the following, this rejection is respectfully traversed.

Applicants respectfully submit that in view of the claim amendments submitted herewith this rejection has been obviated. In this regard, Applicants respectfully submit that none of the cited references, whether taken alone, or in combination, teach or suggest every element of the present claims. Additionally, Applicants respectfully submit that newly added claims 29-52 are also novel and non-obvious over the cited references. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

VII. At page 5 of the Official Action, claims 5, 6 and 16-17 have been rejected under 35 USC § 103(a) as being unpatentable over Chiu, alone, or alternatively, in combination with Pacella and further in view of Habib.

The Examiner asserts that Pacella and Habib teach or suggest each and every element recited in present claims 5, 6 and 16-17.

In view of the following, this rejection is respectfully traversed.

Applicants respectfully submit that in view of the claim amendments submitted herewith this rejection has been obviated. In this regard, Applicants respectfully submit that none of the cited references, whether taken alone, or in combination, teach or suggest every element of the present claims. Additionally, Applicants respectfully submit that newly

added claims 29-52 are also novel and non-obvious over the cited references. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

VIII. At page 5 of the Official Action, claims 9-10 and 20-21 have been rejected under 35 USC § 103(a) as being unpatentable over Khagani I or Khagani II.

The Examiner asserts that Khagani I and Khagani II teach or suggest each and every element recited in present claims 9-10 and 20-21.

In view of the following, this rejection is respectfully traversed.

Applicants respectfully submit that in view of the claim amendments submitted herewith this rejection has been obviated. In this regard, Applicants respectfully submit that none of the cited references, whether taken alone, or in combination, teach or suggest every element of the present claims. Additionally, Applicants respectfully submit that newly added claims 29-52 are also novel and non-obvious over the cited references. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

IX. At page 6 of the Official Action, claims 7 and 18 have been rejected under 35 USC § 103(a) as being unpatentable over Khagani I or Khagani II, alone or in view or Wang (US Patent No. 6,454,697).

The Examiner asserts that Khagani I, Khagani II and Wang teach or suggest each and every element recited in present claims 7 and 18.

In view of the following, this rejection is respectfully traversed.

Applicants respectfully submit that in view of the claim amendments submitted herewith this rejection has been obviated. In this regard, Applicants respectfully submit that none of the cited references, whether taken alone, or in combination, teach or suggest every element of the present claims. Additionally, Applicants respectfully submit that newly

added claims 29-52 are also novel and non-obvious over the cited references. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

IX. At page 6 of the Official Action, claims 23 and 24 have been rejected under 35 USC § 103(a) as being unpatentable over Khagani I or Khagani II.

The Examiner asserts that Khagani I and Khagani II teach or suggest each and every element recited in present claims 23 and 24.

In view of the following, this rejection is respectfully traversed.

Applicants respectfully submit that in view of the claim amendments submitted herewith this rejection has been obviated. In this regard, Applicants respectfully submit that none of the cited references, whether taken alone, or in combination, teach or suggest every element of the present claims. Additionally, Applicants respectfully submit that newly added claims 29-52 are also novel and non-obvious over the cited references. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

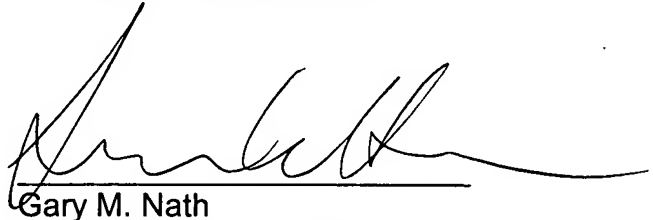
Conclusion

In view of the foregoing, Applicants submit that the application is in condition for immediate allowance. Early notice to that effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP

A handwritten signature in black ink, appearing to read 'Gary M. Nath', is written over a horizontal line.

Gary M. Nath
Registration No. 26,965
Susanne M. Hopkins
Registration No. 33,247
Customer No. 20259

Date: December 19, 2008
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314
Tel: (703) 548-NATH
Fax: (703) 683-8396